

April 5, 1973

oppose Senator Barnett's proposal at this time.

PRESIDENT: Senator Rasmussen.

SENATOR RASMUSSEN: Mr. Chairman and Members of the body. I was also on this committee and we did kick this thing around a long time and I'll have to concur with, or concur with Senator Epke, as Bill Gil-Gilmore, our attorney for the committee did say, there is very serious legal ramifications involved in this and so I would oppose to bring it to the floor.

PRESIDENT: Next is Senator Fellman.

SENATOR FELLMAN: I wonder if Senator Barnett would yield to a question.

PRESIDENT: Senator Barnett, will you yield?

SENATOR BARNETT: Yes.

SENATOR FELLMAN: In Section 6, maybe it'd be helpful if you have a copy of this in front of you. In Section 6, it says that no report submitted pursuant to this act shall be used for any purpose in any trial arising out of the accident unless necessary to prove compliance with the act. Alright, that's fine; then the next sentence says that tests taken pursuant to this act may be used for law enforcement purposes. Now don't misinterpret my question, I favor this bill and think that it's necessary. It seems to me that even though we generally know these facts are true, it would be helpful for legislative purposes in this State to specifically know that it was true here also so I favor this bill but it seems to me some inconsistency here. I would like to ask specifically what law enforcement purposes these tests might be used for if they are excluded from any trial. I, I--

SENATOR BARNETT: I, I know exactly what you're asking and I asked the same question of the County Attorneys' Association who presented this amendment. They gave me an answer and I can't think of it right now, Senator Fellman what it was. It had something to do with the law officer, the official, that was to possibly be assigned to do this duty under the County Attorney or the coroner's jurisdiction, if he would designate something, or the law enforcement officer to do this, take this blood sample, had something to do with that. Senator Schmit may remember what the County Attorney's representative told me because I asked the same question. And I'm sorry, it's been so long since this testimony that I--

SENATOR FELLMAN: Well, we both know how to ask good questions--

SENATOR BARNETT: Yeah. I couldn't re--I can't remember what the answer was. I tried to find it out while they're going about this.

SENATOR FELLMAN: Well, I, I still support this bill. I think this is a necessary piece of legislation.

PRESIDENT: Senator Nore.

SENATOR NORE: Mr. President and fellow Members. I support the raising of this bill. Normally I'm not in favor of raising a bill after it's been killed in committee but I can see that if we can get this bill on the floor and then probably rework it so it's feasible, I think it's a good bill. Now, I'm not, I think, last summer we had a high government official who was killed in an accident and his blood test was taken. Are, are they already